

Child Soldiers and Armed Groups

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Notes for a Presentation to the Conference on
“Curbing Human Rights Abuses by Armed Groups,”
Centre of International Relations, University of British Columbia, Vancouver,
14-15 November 2003

Around the globe, an estimated 300,000 children are believed to be participating in current armed conflicts. Although a significant portion of these children are fighting in government forces, child soldier use is particularly endemic among non-state actors. In nearly every conflict where government forces use child soldiers, opposition forces do as well. Even when governments do not recruit children, as in Nepal, the Philippines, or Sri Lanka, use of child soldiers by opposition forces is often routine. A report issued two weeks ago by the UN Secretary General identified nearly 50 distinct non-state actors in fifteen countries that are currently violating international law by recruiting or using child soldiers.

Since the mid-‘90’s, the recruitment and use of child soldiers has gained increasing attention in the media and international fora. Strong campaigning on this issue by NGOs including the Coalition to Stop the Use of Child Soldiers has led to new international legal standards, national level reforms, and action by the UN Security Council and regional bodies. The Statute for the International Criminal Court defines the recruitment or use of children under the age of fifteen as a war crime. An optional protocol to the Convention on the Rights of the Child that entered into force last year prohibits the participation of children under the age of 18 in armed conflict, and any recruitment of children under age 18 by non-state actors. International labor law now treats the forced recruitment of children under age 18 for use in armed conflict as one of the worst forms of child labor.

One result of this heightened attention to the use of child soldiers has been a growing number of public commitments by non-governmental armed groups to end the use of child soldiers. Among these are the Rassemblement Congolais pour la Démocratie – Goma (RCD-Goma) in the DRC, Revolutionary Armed Forces of Colombia-People’s Army (Fuerzas Armadas Revolucionarias de Colombia-Ejército del Pueblo, FARC-EP) in Colombia, the Liberation Tigers of Tamil Eelam (LTTE) in Sri Lanka, Liberians United for Reconciliation and Democracy (LURD) in Liberia, the Sudan People’s Liberation Army (SPLA) in Sudan, and several ethnic armed opposition groups in Burma (Myanmar). In some cases, such commitments have led to actual demobilizations of child soldiers, but more commonly, the groups concerned continue to recruit and use children.

The Secretary-General’s Special Representative on Children and Armed Conflict, Olara Otunnu, has secured a number of high-profile commitments from non-state armed groups. Although highly touted, few of these commitments have been kept in practice.

During a June 1999 visit to Colombia by the Special Representative, the FARC agreed not to recruit children under the age of fifteen. However, the FARC's recruitment practices remained unchanged, and Human Rights Watch estimates that over 7,400 children (including those in urban-based militias) serve in its ranks, including many under the age of fifteen.

In May of 1998, the Special Representative traveled to Sri Lanka and received a commitment from the LTTE to end its use of children under eighteen in combat, and not to recruit children below the age of seventeen. In 2001, UNICEF reported that child recruitment had actually increased in the interim. The LTTE reaffirmed its commitment during a February 2001 visit by UNICEF's deputy director, but child recruitment by the LTTE continued unabated, including the kidnapping of school children traveling home from school. In June 2003, the government and LTTE agreed on an action plan for children affected by war, including mechanisms for the release and reintegration of former child soldiers through the establishment of transit centers co-managed by the Tamils Rehabilitation Organization and UNICEF. So far, however, child recruitment by the LTTE is continuing, and it is unclear whether the agreement will finally prompt significant progress.

One of the most recent commitments by non-state actors, came from the Liberians United for Reconciliation and Democracy (LURD), which issued a June 30, 2003 statement instructing all military commanders to refrain from the "unwholesome" act of recruiting children under the age of eighteen for active combat, and to release all children under the age of eighteen to LURD headquarters for demobilization and social reintegration. Several factors may have precipitated the announcement. Human rights advocates raised the child soldiers issue with LURD's political leadership, suggesting that the LURD demobilize child soldiers not only for principled reasons, but also pointing out the indictment of then-president of Liberia Charles Taylor by the Sierra Leone special court for crimes including the use of child soldiers. The advocates suggested that the LURD would not want similar charges hanging over their heads should they eventually take power. Members of the UN Security Council delegation led by Sir Jeremy Greenstock of the UK also urged an end to the use of child soldiers during meetings with parties to the Liberian peace talks in Accra in late June 2003. Like many other parties to armed conflict that have made similar pledges, however, the LURD did not implement its commitment, and continued its use of child soldiers.

A fundamental problem in securing compliance with these pledges is that armed groups perceive a public relations benefit from making public commitments not to recruit child soldiers, but often lack the political will or resources to actually demobilize children from their ranks. Commanders who are concerned with maintaining military strength may be reluctant to release young soldiers, particularly when alternatives for the children, including school or vocational training, are not available.

The limited success stories that exist link advocacy with providing concrete demobilization and rehabilitation assistance. Such assistance often includes family tracing, and providing children with educational and vocational opportunities.

One example is in the eastern DRC, where complementary efforts by the UN and NGOs resulted in the demobilization of more than 1,200 children from RCD-Goma and other armed groups in North and South Kivu from 1999 to early 2003. Following a massive recruitment drive by the RCD-Goma in 2000, Save the Children UK sought the agreement of RCD-Goma commanders to hold a series of workshops for military personnel on international law related to child soldiers, and the demobilization and rehabilitation programs operated by Save the Children. Seven workshops were held in 2001, prompting a noticeable increase in the number of children demobilized. During the same period, UNICEF held a series of meetings with the RCD-Goma political leadership, culminating in a formal plan of action for the demobilization of child soldiers that was agreed in December of 2001. As part of this plan, RCD-Goma formally demobilized over one hundred children from a military training camp near Goma in April of 2002. However, thousands of additional child soldiers remain in RCD-Goma's ranks.

Another example is in Southern Sudan, where UNICEF and Save the Children have negotiated demobilization agreements with armed groups in the south. In 2001, with the SPLA's agreement, UNICEF and other organizations demobilized over 3,500 children from SPLA forces and worked to reunify them with their families. Save the Children Sweden also identified and demobilized over 1,000 children with the SPLA, and worked to improve educational opportunities for the children. By 2003, however, the process of demobilization had stagnated. UNICEF estimates that 7,000-8,000 children remain with the SPLA, and that some recruitment continues, including re-recruitment of children who had been previously demobilized.

Armed groups themselves have identified educational and vocational alternatives as critical to ending their use of child soldiers. During a research mission I conducted last year along the Thai-Burma border, I interviewed a general with the Karenni Army, one of Burma's opposition groups. The group has adopted policies prohibiting the recruitment of children under 18, but by their own admission, the policy is not effectively enforced, and an estimated 20 percent of the group's ranks are children. The general told me that he was aware of international standards and would prefer to exclude children from his forces, but that many of the children who seek to join are displaced or refugee children with no access to school. He told me, "We have some ideas for projects for some of our young boys in the army, but we can't get any support from outside organizations. . . . No resources means no skills. . . . The only option for child soldiers is if we can have a special school for them, not only for reading and writing but also for vocational skills like carpentry or auto mechanics. We can't send fourteen and fifteen-year olds to ordinary kindergarten. The most important thing for these young people is education." The general indicated that if viable educational or vocational alternatives were available to young volunteers, it would be easier to comply with international standards.

Clearly an important caveat is that all of these examples thus far are groups that are to some degree sensitive to international opinion and human rights norms. Advocacy coupled with the carrot of rehabilitation assistance is unlikely to be effective with groups that function with no regard for international norms.

The UN Security Council

Beginning in 1998, the UN Security Council began a series of annual debates and resolutions on children and armed conflict, and more broadly on the protection of civilians and human security. On the issue of child soldiers in particular, the Council has taken progressively stronger measures. The Council's first resolutions on the issue (in 1999 and 2000) simply urged UN member states and parties to armed conflict to abide by international standards on the issue and support rehabilitation efforts for former child soldiers. However, in November 2001, the Council took the unusual step of asking the Secretary General to compile a list of specific parties to armed conflict that were recruiting or using child soldiers in violation of their international obligations. This "name and shame" initiative was the first time that the Council had specifically named abusive parties, and was intended to hold violators accountable for their actions. In addressing the Council, the Secretary General said of the list, "By exposing those who violate standards for the protection of children to the light of public scrutiny, we are serving notice that the international community is finally willing to back expressions of concern with action."

The list of violators produced by the Secretary General in November of 2002 included 23 parties in five countries — Liberia, Somalia, Democratic Republic of Congo, Afghanistan and Burundi. Because the list was confined to the situations on the Security Council's agenda, it excluded some of the countries with the most severe child soldiers problems, including Colombia, Burma and Sri Lanka. However, the text of the Secretary General's report also raised concerns about child recruitment and use in nine additional countries not on the Security Council's agenda.

In January of this year, the Council took several additional steps. First, it indicated its intention to enter into dialogue with parties using child soldiers in order to develop action plans to end the practice. Secondly, it requested specific information from the parties named on steps taken to end their use of child soldiers. Third, it requested a progress report on the parties named in the Secretary General's report (including parties in situations not on the Security Council's agenda) by October 31, 2003. Finally, it indicated its intention to consider additional steps (which could include sanctions) against parties that demonstrated "insufficient progress" in ending their use of child soldiers.

In two missions to Africa in 2003, Security Council members raised concerns about the use of child soldiers. In June, members traveled to Central Africa, where the delegation raised the recruitment and use of child soldiers with parties to the conflict in the DRC. Shortly afterwards, in late June and early July, another Security Council delegation raised similar concerns with parties to conflicts in Cote d'Ivoire and Liberia. On that mission, the Council also urged parties to those conflicts to arrest and prosecute anyone responsible for recruitment of child soldiers.

The Council's "name and shame" strategy has yet to yield concrete results. From late 2002 to mid-2003, the list of violators actually expanded from twenty-three to thirty-one,

with the addition of both governmental and opposition forces in Cote d'Ivoire, and additional parties to the conflicts in Burundi, DRC and Liberia. In addition, several of the parties included in the Secretary General's list or report significantly escalated their use of child soldiers during 2003. These include both government and opposition forces in Liberia, the UPC and other armed groups in the DRC, and the Lord's Resistance Army in Northern Uganda.

The limited impact of the list to date may be rooted in several factors. According to UN workers, the list has not been used extensively as an advocacy tool at the field level, where its potential may not be understood, or it may be seen as irrelevant to the local situation. The limited scope of the list—covering only countries on the Security Council's agenda, and excluding others with extensive child soldier problems—causes some to question its validity. In addition, the Council has not yet demonstrated its willingness to take concrete action against parties on the list that show no improvement.

To prompt positive change, the Security Council's initiatives require systematic application and follow-through. To be more effective, the UN must ensure that all parties that are "named" by the Security Council for recruiting or using child soldiers in violation of their obligations are promptly and officially notified of the fact, and should pursue systematic dialogue with all such parties regarding the creation of action plans and concrete steps to end child recruitment and demobilize child soldiers.

The Council should commit to systematic monitoring, and annual reviews of progress (or "regress") by parties named. Most importantly, it must be clear to governments and armed groups that continued recruitment and use of child soldiers will result in decisive and negative consequences. At a minimum, the Council should impose strict bans on the supply of arms or any military assistance to any party recruiting or using child soldiers in violation of international obligations, for as long as such recruitment and use continues. Other targeted measures should also be employed, including financial restrictions (such as the freezing of assets), travel restrictions on leaders of government or armed groups, and their exclusion from any governance structures or amnesty provisions.

Demobilization and rehabilitation assistance should be assured for governments and groups that effectively end new recruitment and demonstrate a clear willingness to demobilize children from their forces.

Impunity:

Stronger efforts must be made to address impunity. In countries where child soldier use is routine, recruiters are rarely, if ever, held to account for recruiting children under the age prescribed by law or policy. This pattern of impunity fuels the cycle of child recruitment. Without a credible threat of criminal or disciplinary action, many recruiters will continue to seek out children, who are easily intimidated by threats, and easily lured by promises.

Impunity can be challenged through the use of the International Criminal Court, ad hoc tribunals, and other justice mechanisms. The prosecutor for the ICC has identified the

DRC as the first priority for cases to come before the court. Child recruitment has been a hallmark of the war in the DRC, and the country is probably second only to Burma in numbers of child soldiers. Prosecuting the top leadership of RCD-Goma, the UPC, the MLC and other armed groups for their recruitment and use of children would send a powerful message to others who seek children for their forces.

To date, the most active pursuit of child recruitment cases has come through the Special Court for Sierra Leone, which has one investigator – a specialist in child rights issues - dedicated to investigating these crimes. The Court's high-profile indictment of former Liberian President Charles Taylor included charges for the use of child soldiers under the age of fifteen. The use of child soldiers is included in each of the court's eleven indictments against defendants linked to abuses by the Civil Defense Forces or the AFRC/RUF. These defendants will likely face lengthy prison terms if convicted of their alleged crimes. As mentioned earlier, the indictment of Charles Taylor was used effectively by human rights advocates in seeking commitments by the LURD to end their use of child soldiers. As prosecutions continue, the deterrent value of these efforts will become more clear.

Conclusion

Few armed groups that are engaged in armed conflict will relinquish their use of child soldiers unless they perceive that the positive benefits of doing so (or conversely, the negative consequences of failing to do so) outweigh the military advantage the children provide. Commanders who see children as cheap, compliant, and effective fighters may see little incentive to stop child recruitment or demobilize their young fighters.

The positive benefits of ending child soldier use can include an enhanced reputation and legitimacy within the international community, and practical support for rehabilitation of former child soldiers, including educational and vocational opportunities. Possible negative consequences of continued child soldier use can include "shaming" in international fora and the media, restrictions on military and other assistance, exclusion from governance structures or amnesty agreements, and prosecution by the International Criminal Court or other justice mechanisms.

However, in most instances, the use of child soldiers fails to elicit action by the international community beyond general statements of condemnation. Positive benefits also frequently fail to materialize. Although governments and armed groups receive public attention for commitments to end use of child soldiers, concrete support for demobilization and rehabilitation efforts often does not follow.

The persistent recruitment and use of child soldiers presents the international community with a formidable, but not insurmountable challenge. The efforts of the past five years have established strong new norms and developed promising new avenues for addressing the problem. But these efforts are clearly not sufficient so far. Stronger, more concerted pressure is needed to persuade governments and armed groups to abandon their use of children as weapons of war. The lessons learned so far indicate that success will depend

on combining advocacy, shaming and accountability measures with practical assistance for the demobilization and rehabilitation of former child soldiers, and educational and vocational alternatives.